

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Gib Lewis, Speaker of the House of Representatives, called the House to order, announced a quorum of the House present and stated the purpose of the Joint Session.

Speaker Lewis introduced the President who presented to the Joint Session the Honorable John Luke Hill, Chief Justice of the Supreme Court, who addressed the Joint Session. (Text of Chief Justice Hill's address printed in House Journal of Monday, February 9, 1987)

Following Chief Justice Hill's address, the Speaker acknowledged the presence of members of the Supreme Court, Presiding Judge and members of the Court of Criminal Appeals, Chief Justices and Justices of the Courts of Appeals, Presiding Judges of the Administrative Judicial Districts and other distinguished members of the judiciary.

#### MEMORIAL RESOLUTION

**S.C.R. 30** - By Johnson: Recognizing and honoring February 9, 1987, as the 85th anniversary of the birth of Juanita Jewel Craft.

#### CONGRATULATORY RESOLUTION

**S.R. 47** - By Montford: Extending congratulations to the American Marketing Association and declaring February 23, through February 28, 1987 as Marketing Week in the State of Texas.

#### ADJOURNMENT

The President announced the purpose of the Joint Session had been accomplished and declared the Senate at 3:06 p.m. would stand adjourned until 11:00 a.m. tomorrow, in accordance with a motion previously adopted by the Senate.

#### APPENDIX

Sent to Governor  
(February 9, 1987)

**S.C.R. 3**  
**S.C.R. 26**

#### TWELFTH DAY

(Tuesday, February 10, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Glasgow, Sarpalius.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Father, thank You for every gift and the opportunity for service. Thou who hast given so much to each of us, give one thing more...a grateful heart. In praise we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### LEAVES OF ABSENCE

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Sarpalius was granted leave of absence for today on account of illness on motion of Senator Brooks.

#### SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

**S.C.R. 32** by Farabee State Affairs  
Memorializing Congress to amend the tax laws of the United States to exempt governmental retirement plans and their participants from the provisions of the Tax Reform Act of 1986.

**S.B. 327** by Caperton Education  
Relating to treatment of the Texas Veterinary Medical Diagnostic Laboratory as an agency of higher education under the Education Code.

**S.B. 328** by Montford, Edwards, Green, Natural Resources  
Santiesteban, Sims  
Relating to promoting economic development in the state and the orderly development of the state's nine billion barrels of available oil reserves and other oil and gas resources through economic and regulatory incentives, including oil and gas production tax exemptions and royalty and fee reductions.

**S.B. 329** by Montford, Sarpalius Economic Development  
Relating to the venue of certain civil actions.

**S.B. 330** by Montford Intergovernmental Relations  
Relating to the employment and duties of a county librarian and other employees of a county library.

**S.B. 331** by Lyon Economic Development  
Relating to insurance benefits paid for income loss to insureds who are under the care of a podiatrist.

**S.B. 332** by Edwards Intergovernmental Relations  
Relating to the right of certain fire and police personnel to engage in certain political activities.

**S.B. 333** by Montford Intergovernmental Relations  
Relating to a foreign trade zone adjacent to the U.S. Customs Port of Entry at Lubbock.

**S.B. 334** by Brooks Jurisprudence  
Relating to a criminal penalty for preparing an instrument conveying an interest in real property that does not state the actual sales price, terms, and conditions of the conveyance.

**S.B. 335** by Parker, Barrientos, Edwards, Education  
Green, Lyon, Truan  
Relating to subject area testing of certain public school teachers.

**S.B. 336** by Farabee Economic Development  
Relating to the imposition of fees to finance capital improvements by municipalities and districts.

#### REPORT OF STANDING COMMITTEE

Senator McFarland submitted the following report for the Committee on Criminal Justice:

**S.B. 25**  
**S.B. 26**  
**S.B. 82**

#### CO-AUTHOR OF SENATE BILL 16

On motion of Senator Farabee and by unanimous consent, Senator Barrientos will be shown as Co-author of **S.B. 16**.

#### CO-AUTHORS OF SENATE BILL 25

On motion of Senator Barrientos and by unanimous consent, Senators Lyon and Parker will be shown as Co-authors of **S.B. 25**.

#### CO-AUTHORS OF SENATE BILL 26

On motion of Senator Barrientos and by unanimous consent, Senators Lyon and Parker will be shown as Co-authors of **S.B. 26**.

#### CO-AUTHOR OF SENATE BILL 63

On motion of Senator Green and by unanimous consent, Senator Brooks will be shown as Co-author of **S.B. 63**.

#### CO-AUTHOR OF SENATE BILL 167

On motion of Senator Lyon and by unanimous consent, Senator Armbrister will be shown as Co-author of **S.B. 167**.

#### CO-AUTHOR OF SENATE BILL 90

On motion of Senator Uribe and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 90**.

#### SENATE RESOLUTION 46

Senator Edwards offered the following resolution:

**S.R. 46**, Recognizing the need for Texas to build a nationally and globally competitive economy through strengthening her scientific and technological resources.

EDWARDS  
McFARLAND

The resolution was read and was adopted viva voce vote.

**MESSAGE FROM THE HOUSE**

House Chamber  
February 10, 1987

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 30, A memorial for Juanita Jewel Craft.

Respectfully,  
BETTY MURRAY, Chief Clerk  
House of Representatives

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
February 10, 1987

TO THE SENATE OF THE SEVENTIETH LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE TEXAS ANIMAL HEALTH COMMISSION for a term to expire September 6, 1991:

JOHN S. CARGILE of San Angelo, Tom Green County, will be filling the unexpired term of Robert Franklin Bartlett of Canton, Van Zandt County, who resigned.

TO BE A MEMBER OF THE TEXAS ECONOMIC DEVELOPMENT COMMISSION for a term to expire February 15, 1993:

EDWARD O. VETTER of Dallas, Dallas County, will be replacing Barbara Chaney of El Paso, El Paso County, whose term expired.

TO BE JUDGE OF THE 96TH JUDICIAL DISTRICT, TARRANT COUNTY, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

ROGER JEFFREY WALKER of Arlington, Tarrant County, will be replacing Judge H. M. Lattimore of Fort Worth, Tarrant County, who resigned.

TO BE DISTRICT ATTORNEY OF THE 355TH JUDICIAL DISTRICT, HOOD COUNTY, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

RICHARD LYNN HATTOX of Granbury, Hood County, will be replacing Dan B. Grissom of Hood County, who resigned.

TO BE A MEMBER OF THE TEXAS PARKS AND WILDLIFE COMMISSION for a term to expire February 1, 1993:

BEATRICE CARR PICKENS of Amarillo, Potter County, will be replacing Dr. Ray E. Santos of Lubbock, Lubbock County, whose term expired.

TO BE A MEMBER OF THE TEXAS PARKS AND WILDLIFE COMMISSION for a term to expire February 1, 1993:

CHARLES DURHAM NASH, JR., of San Marcos, Hays County, will be replacing William M. Wheless III of Houston, Harris County, whose term expired.

TO BE A MEMBER OF THE ADVISORY COMMITTEE TO THE STATE PRESERVATION BOARD for a term at the pleasure of the Governor:

DEALEY HERNDON of Austin, Travis County, will be replacing Harry A. Golemon of Houston, Harris County, whose term expired.

TO BE A MEMBER OF THE STATE PRESERVATION BOARD for a term to expire February 1, 1989:

DEALEY HERNDON of Austin, Travis County, will be replacing Lowell Lebermann of Austin, Travis County, whose term expired.

TO BE A MEMBER OF THE STATE HIGHWAY AND PUBLIC TRANSPORTATION COMMISSION for a term to expire February 15, 1993:

ROBERT HENRY DEDMAN of Dallas, Dallas County, will be replacing Robert M. Bass of Fort Worth, Tarrant County, whose term expired.

Respectfully submitted,

/s/William P. Clements, Jr.  
William P. Clements, Jr.  
Governor of Texas

#### SENATE BILL 172 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 172**, Relating to the exemption of certain money and benefits under life, health, and accident insurance from execution, attachment, garnishment, seizure, or other legal or equitable process.

The bill was read second time and was passed to engrossment viva voce vote.

#### SENATE BILL 172 ON THIRD READING

Senator Henderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 172 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, Sarpalius.

#### GUESTS PRESENTED

Senator Green was recognized and introduced Dr. J. C. Gold and his wife, Joy, of Houston.

Dr. Gold, serving as the Capitol Physician for the Day, was welcomed by the Senate and received an expression of appreciation for his service.

#### SENATE BILL 16 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 16**, Relating to hospital protocols for identifying potential organ and tissue donors and for informing persons of the option to donate.

The bill was read second time.

Senator Farabee offered the following committee amendment to the bill:

Amend **S.B. 16**, SECTION 2 and SECTION 3, by deleting all references to "Section 8" and substituting "Section 8A" in lieu thereof.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

#### **SENATE BILL 16 ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 16** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, Sarpalius.

#### **SENATE CONCURRENT RESOLUTION 22 ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading:

**S.C.R. 22**, Authorizing the Texas Board of Health to establish an Organ Information Office within the Texas Department of Health.

The resolution was read second time and was adopted viva voce vote.

#### **SENATE BILL 90 ON SECOND READING**

Senator Uribe moved that Senate Rules 12 and 89 and all other necessary rules be suspended and that **S.B. 90** be taken up for consideration at this time on its second reading and passage to engrossment:

**S.B. 90**, Relating to economic development in the region of the Texas and Mexico border.

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Anderson, Armbrister, Barrientos, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Blake, Jones, Leedom.

Absent: Green.

Absent-excused: Glasgow, Sarpalius.

The bill was read second time.

Senator Uribe offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **S.B. 90** by striking Section 12 and renumbering the subsequent section appropriately.

The committee amendment was read and was adopted viva voce vote.

Senator Uribe offered the following committee amendment to the bill:

**Committee Amendment No. 2**

Amend **S.B. 90** on page 2 by striking lines 12-15 and substituting "Commission consists of nine members appointed by the governor. At least six members must be residents of".

The committee amendment was read and was adopted viva voce vote.

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **S.B. 90** by striking SECTION 4 and substituting in lieu thereof the following:

**SECTION 4. DEFINITION.** In this Act, "border region" means the counties of Brewster, Cameron, Culberson, Dimmit, El Paso, Hidalgo, Hudspeth, Jeff Davis, Kinney, La Salle, Maverick, Presidio, Starr, Terrell, Val Verde, Webb, Zapata, and Zavala.

The amendment was read.

Senator Truan offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 2**

Amend Floor Amendment No. 1 to **S.B. 90**, by adding "Willacy" after "Val Verde".

The amendment to the amendment was read and was adopted viva voce vote.

Floor Amendment No. 1 as amended was adopted viva voce vote.

On motion of Senator Uribe and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**SENATE BILL 90 ON THIRD READING**

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 90** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Anderson, Armbrister, Barrientos, Brooks, Brown, Caperton, Edwards, Farabee, Green, Harris, Henderson, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Blake, Jones, Leedom, Washington.

Absent-excused: Glasgow, Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 3.

Yeas: Anderson, Armbrister, Barrientos, Brooks, Brown, Caperton, Edwards, Farabee, Green, Harris, Henderson, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Blake, Jones, Leedom.

Absent-excused: Glasgow, Sarpalius.

#### **MEMORIAL RESOLUTIONS**

**S.R. 54** - By Barrientos: Memorial resolution for Frank I. Cornwall.

**S.R. 55** - By Parker: Memorial resolution for Wadell Hines.

#### **WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.R. 49** - By Caperton: Expressing appreciation to Dr. Kenneth G. Davis of Conroe, Capitol Physician for the Day.

**S.R. 50** - By Caperton: Extending congratulations to Mrs. Minnie S. Bains.

**S.R. 51** - By Caperton: Extending welcome to Dr. Dana G. Evans of Taylor, Capitol Physician for the Day.

**S.R. 52** - By Parmer: Extending congratulations to Mrs. Julia Ann Jefferson Munchus.

**S.R. 53** - By Washington: Extending congratulations to Amnesty International USA.

**S.R. 56** - By Armbrister: Extending congratulations to Mr. and Mrs. Lawrence Bronocco.

**S.R. 57** - By Montford: Commending Judge Halbert O. Woodward.

#### **ADJOURNMENT**

On motion of Senator Brooks, the Senate at 11:52 a.m. adjourned until 11:00 a.m. tomorrow.

#### **APPENDIX**

Signed by Governor  
(February 10, 1987)

**H.C.R. 31**  
**S.C.R. 3**  
**S.C.R. 26**

#### **THIRTEENTH DAY** (Wednesday, February 11, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.